I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 7, 2008

Signature: Shawn P. Foley)

Docket No.:

TEVNHC 3.3-083

DAETPU

JAN 1 1 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Patent Application of:

Barney et al.

Application No.: 10/574,386

: Group Art Unit: N/A

Filed: March 31, 2006

: Examiner: Not Yet

Assigned

For: DRY POWDER INHALATION APPARATUS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181(a)

Dear Sir:

Attorneys for the above-identified applicant received a Notice of Abandonment mailed December 13, 2007 for failure to respond to the notification of Missing Requirements mailed October 2, 2006.

A Response to Notification of Missing Requirements Petition Under 37 C.F.R. 1.47(a) were timely filed with an extension petition in this application on May 2, 2007. Α Decision on Petition was mailed by the PTO on September 18, 2007, dismissing the petition and stating that a reconsideration request could be filed. Applicant's attorney believes that extensions of obtained for filing time can be the reconsideration request in order to satisfy PTO requirements. Applicants' attorneys intend to file such a request within the time limitations for doing so. Accordingly, it is believed that this application is pending and therefore

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Application No.: 10/574,386 Docket No.: TEVNHC 3.3-083
PATENT

applicants' attorneys request that the PTO withdraw the holding of abandonment.

If there are any fees due in connection with this petition, please charge same to our Deposit Account No. 12-1095.

Dated: January 7, 2008

Respectfully submitted,

Shawn P. Foley

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